IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Sahkari Samiti Vyavasthpak Union, Barmer. **vs.** **State of Rajasthan & Ors.**

(S.B.C. Writ Petition No.1736/03)

Date of Order :- 15th December, 2006

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.S.K.Pooniya, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy.Government Advocate.

BY THE COURT :

The petitioner Union which claims to represent the interest of Vyavasthapaks working in various cooperative societies of the State has filed this writ petition with the prayer that the respondents may be directed to initiate selection proceedings for promotion on the post of Vyavasthapak in selection grade in accordance with the agreement dated 21.11.1984 arrived at between them and the Government. Learned counsel has cited Primary Agriculture Credit Cooperative Societies/Selection, Appointment and Service Conditions of Vyavasthapaks of Circle Agriculture Multipurpose Sahakari Samities, 2003 and contended that their entitlement to selection grade cannot be denied. The respondents have however neither given the effect to the agreement

nor to the Krishi Rindatri Sahkari Samitiyon Ke Vyavasthapako Ke Sewa Niyam, 1991 (for short "the Rules of 1991").

The respondents have contested the writ petition and filed reply thereto. Learned counsel for the respondents argued that earlier PACS Managers Rules, 1972 were applicable in which a state-wise cadre authority was formed but said rules were quashed by the Court. Then the Rules of 1991 were framed. According to which managers are not employees of the bank but they are employees of the society. The society has to keep in mind its financial condition before granting any promotion. Even then, learned counsel submits that the respondents have acted upon the agreement dated 21.11.1984 and have selected 27 Vyavasthapaks in "B" category and promoted them to selection scale(senior scale). The number of Samities are running into losses and cannot afford to pay B category of pay scales given to the Vyavasthapaks. The matter was pending with the State Government on the question of grant of selection scale as per the agreement and the Rules of 1991. Ultimately, the question would arise to provide financial support to the societies. Mr. Rameshwar Dave, learned Deputy Government Advocate has invited my attention to the guidelines provided for by the government dated 22.7.2003 according to which promotion has been granted to "A" and "B" grade to the Societies where their

giving business is at least 30 lacs per annum out of minimum of rupees five lacs business in trading of seeds, pesticides etc and the societies must be running in profit for continuous three years.

Having considered the arguments of the learned counsel for the parties, I do not consider it necessary to issue any further direction of general nature. Some of the Vyavasthapaks have already been promoted and regarding some others, the respondents are taking steps for promotion. The State Government has also provided guidelines to be followed in the matter of granting such promotion to the selection grade "A" and "B". The explanation offered by the respondents that the samities having limited resources may not be in a position to immediately provide selection grade to all the Vyavasthapaks cannot be said to be totally irrelevant and extraneous. Even then, in a given case, such selection grade has been granted or not and if not granted, for justified reasons will have to be examined in the facts of each case. No direction of this nature can be given in the present writ petition. The writ petition is being devoid of any merit, is dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J.